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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,395	12/19/2005	Francois Dronne	5284-120PRCE	8482

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Thomas Langer, Esq.
Cohen, Pontani, Lieberman & Pavane
Suite 1210
551 Fifth Avenue
New York, NY 10176

EXAMINER	
WENDELL, ANDREW	

ART UNIT	PAPER NUMBER
2618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/537,395	DRONNE ET AL.	
	Examiner	Art Unit	
	ANDREW WENDELL	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5 and 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Immonen et al. (US Pat# 7,010,305) in view of Cayla et al. (US Pat Pub# 2004/0004949).

Regarding claim 1, Immonen teaches quality of service management method in a packet mode mobile communication network (Fig. 1), characterized in that, in order for a service to be executed by a subscriber to the network to which a data stream corresponds, determining a set of quality of service parameters including at least one first quality of service parameter corresponding to a subscriber priority ("allocation/ retention priority", Col. 8 line 24-Col. 9 line 13) and at least one second quality of service parameter related to a type of service ("service attributes", Col. 8 line 24-Col. 9 line 13); and determining an overall priority level ("parameter decision", Fig. 1) associated with the data stream based on a value of the at least one quality of service parameter and at least one second quality of service parameter, the value of the overall priority level alone indicating a priority for accessing network resources to execute the service by the subscriber (Col. 8 line 24-Col. 9 line 13). Immonen is vague and therefore fails to teach a type of service.

Cayla teaches determining a set of quality of service parameters including at least one first quality of service parameter corresponding to a subscriber priority (Sections 0032-0033) and at least one second quality of service parameter related to a type of service (Sections 0032 and 0036-0038); and determining an overall priority level ("Quality of service parameter", Section 0032) associated with the data stream based on a value of the at least one quality of service parameter and at least one second quality of service parameter, the value of the overall priority level alone indicating a priority for accessing network resources to execute the service by the subscriber (Sections 0032-0039).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a type of service as taught by Cayla into Immonen's method for assigning values of service attributes in order to increase efficiency (Sections 0007-0008).

Regarding claim 2, the combination including Immonen teaches a stage that consists in determining, based on the overall priority level, at least one quality of service process to be applied to the data stream (Col. 8 line 24-Col. 9 line 13).

Regarding claim 3, the combination including Immonen teaches a stage that consists in, in the case of a network overload, applying the quality of service process to the data stream, taking into account the overall priority level related to this data stream and the overall priority levels related to the data streams that correspond to other subscribers found on the network ("allocation/retention priority," Col. 8 line 24-Col. 9 line 13).

Regarding claim 4, Immonen teaches a data stream is determined according to a table (Col. 7 lines 22-56) that specifies an overall priority level value for each combination of the two quality of service parameters that corresponding, respectively, to a subscriber priority level and a service type (Col. 8 line 24-Col. 9 line 13). Immonen is vague and therefore fails to teach a service.

Cayla teaches a service (Sections 0032-0039).

Regarding claim 5, the combination including Immonen teaches that the network is managed by an operator, and the overall priority levels can be configured by the network operator 12 (Fig. 1).

Regarding claim 7, the combination including Immonen teaches the quality of service parameter that corresponds to the subscriber priority level used for determining the overall priority level includes one of the parameters of the group that includes: the "Allocation Retention Priority" quality of service parameter (Col. 8 line 57), the quality of service sub-parameters and parameters are defined within the framework of the 3GPP telecommunications standard (Col. 10 lines 30-40).

Regarding claim 8, the combination including Immonen teaches the quality of service parameter related to the type of service used to determine the overall priority level includes the "Traffic Class" quality of service parameter (Col. 9 lines 14-32), defined within the framework of the 3GPP telecommunications standard (Col. 10 lines 30-40).

Regarding claim 9, Immonen teaches the quality of service parameter related to the type of service used to determine the overall priority level further includes the

"Traffic Handling Priority" quality of service parameter (Col. 9 lines 14-32), defined within the framework of the 3GPP telecommunications standard to associate a priority level to the data stream on the network when the data stream corresponds to an interactive type service (Col. 10 lines 30-40). Immonen is vague and therefore fails to teach an interactive type service.

Cayla teaches an interactive type service (Sections 0032-0039).

Regarding claim 10, Immonen teaches the execution of a service by a subscriber of the network to which a data stream corresponds, in order to determine an overall priority level associated to the data stream according to at least one quality of service parameter that corresponds to a subscriber priority level and at least one quality of service parameter related to the type of service (Col. 8 line 24-Col. 9 line 13). Immonen is vague and therefore fails to teach a service parameter.

Cayla teaches a service parameter (Sections 0032-0039).

Regarding claim 11, the combination including Immonen teaches according to the overall priority level associated with a data stream, at least one quality of service process to be applied to this data stream (Col. 8 line 24-Col. 9 line 13).

Regarding claim 12, the combination including Immonen teaches a quality of service process to a data stream, whilst taking into account the overall priority level associated to this data stream and the overall priority levels associated to the data streams that correspond to other subscribers on the network ("allocation/retention priority," Col. 8 line 24-Col. 9 line 13).

Regarding claim 13, Immonen teaches a behavior table (Col. 7 lines 22-56) that specifies a value of the overall priority level for each combination of the two quality of service parameters corresponding, respectively, to a subscriber priority level and a type of service (Col. 8 line 24-Col. 9 line 13). Immonen is vague and therefore fails to teach a type service.

Cayla teaches a type service (Sections 0032-0039).

Regarding claim 14, the combination including Immonen teaches that the network is managed by an operator, and the overall priority levels can be configured by the network operator 12 (Fig. 1).

Regarding claim 15, the combination including Immonen teaches service node (SGSN, Fig. 1) of a core network (Fig. 1) that ensures the management of the communication link with the access network (Fig. 1).

3. Claims 6 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Immonen et al. (US Pat# 7,010,305) in view of Cayla et al. (US Pat Pub# 2004/0004949) and further in view of Jouppi et al. (US Pat# 7,031,718).

Regarding claim 6, Immonen teaches the mobile network includes a core network (Fig. 1) and an access network (Fig. 1) and is implemented by at least some nodes of the group that includes a service node (SGSN, Fig. 1) of the core network that ensures the management of the communication link with an access network (Fig. 1). Further, Immonen in view of Cayla teaches the limitations in claim 1. Immonen and Cayla fails to teach a service node and an access network radio resource.

Jouppi's method for selecting a quality of service teaches a service node (GGSN, Fig. 1a) of the core network that ensures the interconnection with an external network, and a management node of the access network radio resources (BTS and BSC, Fig. 1a).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a service node and an access network radio resource as taught by Jouppi into a type of service as taught by Cayla into Immonen's wireless communication in order to improve quality of service (Col. 6 lines 19-25).

Regarding claim 16, Jouppi further teaches a service node (GGSN, Fig. 1a) of a core network (Fig. 1a) that ensures the interconnection with an external network.

Regarding claim 17, Jouppi further teaches a radio resource management node (BTS and BSC, Fig. 1) of an access network.

Response to Arguments

Applicant's Remarks	Examiner's Response
"Therefore, Immonen and Cayla, whether taken alone or in combination, fail to teach or suggest "determining an overall priority level (NPG) associated with the data stream based on a value of the at least one first quality of service parameter and a value of the at least one second quality of	Immonen teaches an overall priority, see remarks made on office action filed 7/6/2007. Further, Cayla teaches an overall priority level. Cayla In section 0032, it states "'Quality of service parameter (or requirement)' is a broad term which may include any or **several** of

service parameter, the value of the overall priority level alone indicating a priority for accessing network resources to execute the service by the subscriber", as recited in Applicants' claim 1."	the following..". The quality of service parameter includes several parameters which constitutes it being an overall priority level.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW WENDELL whose telephone number is (571)272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Wendell/
Examiner, Art Unit 2618

/Nay A. Maung/
Supervisory Patent Examiner, Art Unit 2618

7/11/2008